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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-655

13 **NANCY ALLCROFT, a.k.a. NANCY**
14 **LOUISE ALLCROFT, a.k.a. NANCY**
15 **ALLCROFT THOMSON**
16 **283 E. Ann Arbor Trail, Apt. B**
17 **Plymouth, MI 48170**

A C C U S A T I O N

18 **Registered Nurse License No. 270802**

19 Respondent.

20 Complainant alleges:

PARTIES

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On or about August 31, 1976, the Board of Registered Nursing issued Registered
25 Nurse License Number 270802 to Nancy Allcroft, also known as Nancy Louise Allcroft, also
26 known as Nancy Allcroft Thomson (Respondent). The Registered Nurse License was in full
27 force and effect at all times relevant to the charges brought in this Accusation and will expire on
28 January 31, 2014, unless renewed.

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8. Section 2762 of the Code states, in pertinent part:

“In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

...

“(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

“(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.”

9. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

10. California Code of Regulations, title 16, section 1444, states, in pertinent part:

“A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare.”

COST RECOVERY

11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and

1 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
2 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
3 included in a stipulated settlement.

4 FIRST CAUSE FOR DISCIPLINE

5 (Unprofessional Conduct - Use of Alcohol in a Dangerous Manner)

6 (Bus. & Prof. Code § 2762, subd. (b))

7 12. Respondent has subjected her registered nurse license to discipline under Code
8 section 2762, subdivision (b), in that she engaged in unprofessional conduct by using alcohol in a
9 dangerous manner. The circumstances are as follows:

10 13. On or about January 3, 2010, at approximately 8:46 p.m., a Clinton County Sheriff
11 Officer observed Respondent's vehicle travelling faster than the posted speed limit of 70 miles-
12 per-hour. The officer activated his laser and got a reading of Respondent's vehicle, which
13 indicated that she was travelling at 86 miles-per-hour. The officer initiated a traffic stop. The
14 officer contacted the Respondent, the driver of the vehicle. The officer asked Respondent where
15 she was going, and whether she knew how fast she was travelling. As the officer spoke with
16 Respondent, he could smell an intoxicating beverage and he noticed that Respondent's eyes were
17 bloodshot. The officer asked Respondent if she had had anything to drink, and she told the
18 officer that she had consumed one glass of wine prior to leaving home. The officer asked
19 Respondent to follow his finger, and he noticed nystagmus in her eyes. He then asked
20 Respondent to step out of her vehicle to perform sobriety tests. Prior to beginning the tests, the
21 officer again asked Respondent how much she had had to drink. This time, Respondent stated
22 that she had consumed two glasses of wine before she left home, and one glass of wine with
23 dinner.
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25 14. The officer conducted field sobriety tests and a preliminary breath test. The
26 preliminary breath test indicated that Respondent had a blood alcohol content of .12 percent. The
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1 officer placed Respondent under arrest for "Operating While Intoxicated – First Offense."
2 Respondent was transported to Clinton County Jail, where she agreed to take a breath test. The
3 breath test indicated that Respondent had a blood alcohol content of .12 percent. Respondent was
4 issued a citation for Operating While Intoxicated, and was lodged at the Clinton County Jail.

5 SECOND CAUSE FOR DISCIPLINE
6 (Substantially Related Conviction)
7 (Bus. & Prof. Code §§ 490, 2761, subd. (f))

8 15. Complainant realleges the allegations contained in paragraphs 13 and 14 above, and
9 incorporates them by reference as though fully set forth.

10 16. Respondent has subjected her registered nurse license to discipline under Code
11 sections 490 and 2761, subdivision (f), as defined by California Code of Regulations, title 16,
12 section 1444, in that she engaged in unprofessional conduct when she was convicted of a crime
13 substantially related to the qualifications, functions, or duties of a registered nurse. The
14 circumstances are as follows:

15 17. On or about February 25, 2010, in a criminal matter entitled *The People of the State*
16 *of Michigan v. Nancy Louise Allcroft*, in the 65A Judicial District Court of Michigan, Case No.
17 10-60, Respondent was convicted by guilty plea to one count of driving while impaired, a
18 misdemeanor. Respondent's sentence ordered her to attend Victim's Impact Weekend and
19 provide proof to the court within 90 days, attend Highway Safety Program and provide proof to
20 the court within 90 days, and pay various fines and costs.

21 THIRD CAUSE FOR DISCIPLINE
22 (Conviction of Crime Involving Self-Administration of Alcohol)
23 (Bus. & Prof. Code § 2762, subd. (c))

24 18. Complainant realleges the allegations contained in paragraphs 13 through 17 above,
25 and incorporates them by reference as though fully set forth.
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19. Respondent has subjected her registered nurse license to discipline under Code section 2762, subdivision (c), in that she was convicted of a crime involving the self-administration of alcohol. The circumstances are set forth above in paragraphs 13 through 17.

FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Use of Alcohol in a Dangerous Manner)
(Bus. & Prof. Code § 2762, subd. (b))

20. Respondent has subjected her registered nurse license to discipline under Code section 2762, subdivision (b), in that she engaged in unprofessional conduct by using alcohol in a dangerous manner. The circumstances are as follows:

21. On or about August 7, 2011, at approximately 7:34 p.m., a Novi Police Department Officer ("Officer 1") observed Respondent's vehicle travelling much faster than the posted speed limit of 40 miles-per-hour. Officer 1 activated his radar unit, which gave a reading of 60 miles-per-hour on Respondent's vehicle. Officer 1 initiated a traffic stop and made contact with Respondent, the driver. Officer 1 detected a strong odor of intoxicants coming from within the vehicle and observed Respondent's slurred speech and lethargic movements. Respondent stated that she was at a bar in Northville, and Officer 1 asked her how much alcohol she had to drink that day. Respondent stated that she had a few glasses of wine and had consumed her last glass at about 7:00 p.m. Another Novi Police Department officer ("Officer 2") arrived to assist Officer 1.

22. Officer 1 asked Respondent to step out of the vehicle to perform field sobriety tests. Respondent performed poorly on the field sobriety tests. Officer 1 then performed a preliminary breath test, which indicated that Respondent had a blood alcohol content of .188 percent. Respondent was placed under arrest for Operating While Intoxicated. She was transported to the Novi Police Department. Once at the police department, Respondent was advised of her rights and she agreed to take the breath test. She asked to call her lawyer and she made several phone calls and sent several text messages. She then refused to listen to Officer 1's instructions and

1 refused to stay seated on the bench during her booking. She attempted to grab her purse and was
2 very uncooperative. Another officer ("Officer 3") arrived to assist Officer 1 with booking.

3 23. Officer 1 then attempted to administer the breath test to Respondent. He explained
4 that Respondent had to blow long and steady into the tube until he told her to stop, but she
5 continuously provided only a one second puff. Officer 1 informed Respondent that if she failed
6 to follow his instructions, he would consider it a refusal to take the breath test. Respondent again
7 provided one short puff, and Officer 1 informed her that she had refused his test. Respondent
8 then pulled away from Officer 3, tensed up, and raised her right arm. Officer 3 grabbed
9 Respondent's right arm and requested assistance. Officer 1 grabbed Respondent's left arm, and
10 they escorted her to the bench, where she refused to sit. Both of Respondent's arms were then
11 handcuffed to the bench. Officer 1 obtained a search warrant for two vials of Respondent's
12 blood.
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14 24. Respondent then requested medical attention because she felt dizzy and had a scratch
15 on her right hand. Medical personnel responded and provided Respondent a band-aid for her
16 right hand, then transported her to Providence Park Hospital for a blood draw and evaluation.
17 After the blood draw, Respondent was medically cleared for incarceration by Providence Park
18 Hospital medical staff. Officer 1 transported Respondent back to the Novi Police Department,
19 where she refused to be photographed or fingerprinted. She was lodged in a cell at the Novi
20 Police Department. The results of her blood draw indicated that she had a blood alcohol content
21 of .18 percent.
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24 FIFTH CAUSE FOR DISCIPLINE
(Substantially Related Conviction)
25 (Bus. & Prof. Code §§ 490, 2761, subd. (f))

26 25. Complainant realleges the allegations contained in paragraphs 21 through 24 above,
27 and incorporates them by reference as though fully set forth.
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1 26. Respondent has subjected her registered nurse license to discipline under Code
2 sections 490 and 2761, subdivision (f), as defined by California Code of Regulations, title 16,
3 section 1444, in that she engaged in unprofessional conduct when she was convicted of a crime
4 substantially related to the qualifications, functions, or duties of a registered nurse. The
5 circumstances are as follows:

6 27. On or about October 26, 2011, in a criminal matter entitled *The People of the State of*
7 *Michigan v. Nancy Louise Allcroft*, in the State of Michigan 52-1 Judicial District Court, Case
8 No. 11-004283, Respondent was convicted by guilty plea of Operating a Vehicle While
9 Intoxicated/Impaired – 2nd. On or about December 14, 2011, Respondent was sentenced to 24
10 months of supervised probation and was ordered not to violate any criminal law, not leave the
11 state without the consent of the court, make at least monthly reports to her probation officer, pay
12 various fees and fines, attend the Victim's Impact Weekend, have no alcohol or illegal drugs,
13 submit to drug tests as required, attend AA/NA meetings, complete out-patient substance abuse
14 counseling or treatment, and not operate her vehicle without an interlock device.
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17 SIXTH CAUSE FOR DISCIPLINE

18 (Conviction of Crime Involving Self-Administration of Alcohol)

19 (Bus. & Prof. Code § 2762, subd. (c))

20 28. Complainant realleges the allegations contained in paragraphs 21 through 27 above,
21 and incorporates them by reference as though fully set forth.

22 29. Respondent has subjected her registered nurse license to discipline under Code
23 section 2762, subdivision (c), in that she was convicted of a crime involving the self-
24 administration of alcohol. The circumstances are set forth above in paragraphs 21 through 27,
25 above.

26 PRAYER

27 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
28 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 270802, issued to Nancy Allcroft, also known as Nancy Louise Allcroft, also known as Nancy Allcroft Thomson;
2. Ordering Nancy Allcroft, also known as Nancy Louise Allcroft, also known as Nancy Allcroft Thomson to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: February 21, 2013

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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